

**CERTIFIED COPY**  
**United States Court of Appeals**  
**For the First Circuit**

No. 04-1903  
D.C. #04-10580  
J. Lasker

GREGORY C. MILTON,  
  
Petitioner, Appellant,  
  
v.

METRO BOSTON INPATIENT UNIT OF THE LEMUEL SHATTUCK HOSPITAL,  
  
Respondent, Appellee.

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Before

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By:  Date: \_\_\_\_\_

DEC 06 2004

Torruella, Circuit Judge,  
Stahl, Senior Circuit Judge,  
and Howard, Circuit Judge.

JUDGMENT

Entered: December 6, 2004

Because petitioner's § 2254 petition sought to attack a 1988 fine only conviction -- and not the means by which he came to be presently confined in a psychiatric unit -- the district court correctly dismissed the § 2254 petition since petitioner is not in custody pursuant to the judgment being attacked. The request for a certificate of appealability is denied, and the appeal is terminated. All other forms of relief are denied.

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER  
Chief Deputy Clerk.

Certified Copy to Hon. Morris E. Lasker  
Certified Copy to Mr. Ruane, Acting Clerk USDC

cc: Mr. Milton & Ms. Atryzek